

Docket No.: 62644A US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Timothy C. Frank, Felipe A. Donate, Jefry E. Shields,
Kai Li, and Jeffrey R. Allen

Application No.: 10/590,185

Confirmation No.: 3532

Filed: August 18, 2006

Art Unit: N/A

For: METHOD FOR THE EXTRACTION OF
INTRACELLULAR PROTEINS FROM A
FERMENTATION BROTH

Examiner: Not Yet Assigned

PETITION UNDER 37 CFR 1.497(d)

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed April 30, 2007, Applicant respectfully submits a Petition for Extension of Time and Part 2 Copy of Notice. Applicant believes this complies with the rules as stated in 37 C.F.R. §1.497 (d).

Applicants have included with the response a statement from Jeffrey Allen that he is an inventor for at least one claim of this application. Applicants have also included a statement from the other inventors that Jeffrey Allen is an inventor for at least one claim in the present application.

Applicants further note that the present application has been assigned to Dow Global Technologies Inc. Applicant's attorney, Jarett K. Abramson, hereby notes that the assignee provides its consent to add Jeffrey as an inventor to this application.

The foregoing is submitted as a full and final response to the decision on petition under 37 CFR 149.7 (d). If the office believes any formalities remain in this request that may be corrected by Examiner's amendment, or there may be any other issue that can be resolved by a telephone interview, a telephone call to the undersigned at (317) 337-3848 would be appreciated.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1512, under Order No. 62644A US. A duplicate copy of this paper is enclosed.

Dated: December 21, 2007

Respectfully submitted,

By Jarett K. Abramson

Jarett K. Abramson

Registration No.: 47,376

THE DOW CHEMICAL CO.

9330 Zionsville Rd

Indianapolis, Indiana 46268

(317) 337-3848



UNITED STATES PATENT AND TRADEMARK OFFICE

06 SEP 2007

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RECEIVED

SEP 14 2007

62644A

57272
THE DOW CHEMICAL COMPANY
9330 Zionsville Road
Indianapolis, IN 46268

In re Application of
FRANK *et al*
U.S. Application No.: 10/590,185
PCT No.: PCT/US05/05309
Int. Filing Date: 18 February 2005
Priority Date: 27 February 2004
Attorney Docket No.: 62644A
For: METHOD FOR THE EXTRACTION OF
INTERCELLULAR PROTEINS FROM A
FERMENTATION BROTH

DECISION ON
PETITION
UNDER 37 CFR 1.497(d)

This is a decision on applicants' "Response to Notification of Defective Response" filed 25 May 2007 requesting to add Jeffrey R. Allen as an inventor in the above-captioned national stage application. This is treated as a request under 37 C.F.R. 1.497(d).

BACKGROUND

On 06 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to comply with extensions of time available pursuant to 37 CFR 1.136(a).

On 02 April 2007, applicants filed an executed declaration and surcharge fee.

On 30 April 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) noting that the declaration filed 02 April 2007 listed an additional inventor than recorded on the international publication.

On 25 May 2004, applicants filed the subject response which was accompanied by, *inter alia*, a statement of inventive entity and authorization to charge any required fee to Deposit Account No. 04-1512.

DISCUSSION

Applicants request that Jeffrey R. Allen be added as inventor to the above-captioned national stage application of PCT/US05/05309. Applicants included a statement of inventive entity signed by the four named inventors in the international

ENTERED ON DOCKET/
REVIEWED
Date 09/10/07 By [Signature]

Please
Initial & Date

application explaining that Mr. Allen "contributed to at least one claim of the application." Counsel also states that the error was made without deceptive intent. However, this does not meet the requirements for a grantable petition.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Here, applicants have not provided the requisite statement from Mr. Allen. As such, item (1) is not satisfied.

The \$130.00 fee has been charged to Deposit Account No. 04-1512 as authorized. Item (2) is complete.

Applicants have also not provided the written consent of the assignee or addressed whether an assignment has been executed in the above-captioned national stage application. Applicants must address this item in their renewed petition. For this reason, item (3) is also not satisfied.

Therefore, all the requirements of 37 CFR 1.497(d) are not yet satisfied.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Accordingly, the declaration filed 02 April 2007 is not yet in compliance with 37 CFR 1.497(a) and (b).

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Applicants must address items (1) and (3) of 37 CFR 1.497(d) above with any response. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration


Tel.: (571) 272-3302

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | | |
|--|------|--------------------------|---------------------|-----------|
| Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h1 style="text-align: center;">FEE TRANSMITTAL</h1> <h2 style="text-align: center;">For FY 2008</h2> | | Complete if Known | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Application Number | 10/590,185 | |
| | | Filing Date | August 18, 2006 | |
| | | First Named Inventor | Timothy C. Frank | |
| | | Examiner Name | Not Yet Assigned | |
| | | Art Unit | N/A | |
| TOTAL AMOUNT OF PAYMENT | (\$) | 130.00 | Attorney Docket No. | 62644A US |

| | |
|--|--|
| METHOD OF PAYMENT (check all that apply) | |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ | |
| <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>04-1512</u> Deposit Account Name: <u>The Dow Chemical Company</u> | |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) | |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee | |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments | |

| FEE CALCULATION | | | | | | | |
|---|---------------------|---|-----------------|-----------------------|----------------------------------|-----------------------|------------------------------|
| 1. BASIC FILING, SEARCH, AND EXAMINATION FEES | | | | | | | |
| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 310 | 155 | 510 | 255 | 210 | 105 | |
| Design | 210 | 105 | 100 | 50 | 130 | 65 | |
| Plant | 210 | 105 | 310 | 155 | 160 | 80 | |
| Reissue | 310 | 155 | 510 | 255 | 620 | 310 | |
| Provisional | 210 | 105 | 0 | 0 | 0 | 0 | |
| 2. EXCESS CLAIM FEES | | | | | | | |
| Fee Description | | | | | | | Small Entity Fee (\$) |
| Each claim over 20 (including Reissues) | | | | | | | 50 |
| Each independent claim over 3 (including Reissues) | | | | | | | 210 |
| Multiple dependent claims | | | | | | | 370 |
| Total Claims | | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | | |
| _____ - 20 = _____ | | x _____ | = _____ | | Fee (\$) | | Fee Paid (\$) |
| HP = highest number of total claims paid for, if greater than 20. | | | | | | | |
| Indep. Claims | | Extra Claims | Fee (\$) | Fee Paid (\$) | | | |
| _____ - 3 = _____ | | x _____ | = _____ | | | | |
| HP = highest number of independent claims paid for, if greater than 3. | | | | | | | |
| 3. APPLICATION SIZE FEE | | | | | | | |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) | | | |
| _____ - 100 = _____ | /50 = _____ | (round up to a whole number) x _____ | = _____ | | | | |
| 4. OTHER FEE(S) | | | | | | | Fees Paid (\$) |
| Non-English Specification, \$130 fee (no small entity discount) | | | | | | | |
| Other (e.g., late filing surcharge): <u>1051 Surcharge-Late oath or declaration</u> | | | | | | | <u>230.00</u> |

| | | | |
|---------------------|--|-----------------------------------|-------------------|
| SUBMITTED BY | | | |
| Signature |  | Registration No. (Attorney/Agent) | 47,376 |
| Name (Print/Type) | Jarett K. Abramson | Telephone | (317) 337-3848 |
| | | Date | December 21, 2007 |

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Timothy C. Frank, Felipe A. Donate, Jefry E. Shields, Kai Li, and Jeffrey R. Allen

Application No./Patent No.: 10/590,185 Filed/Issue Date: August 18, 2006

Entitled: METHOD FOR THE EXTRACTION OF INTRACELLULAR PROTEINS FROM A FERMENTATION BROTH

Dow Global Technologies Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame 020130/026, or for which a copy thereof is attached. 11/19/2007

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Jarett K. Abramson
Signature

December 21, 2007
Date

Jarett K. Abramson
Printed or Typed Name

(317) 337-3848
Telephone Number

Authorized Signer for Assignee
Title



The Dow Chemical Company
9330 Zionsville Road
Indianapolis, IN 46268
U.S.A.

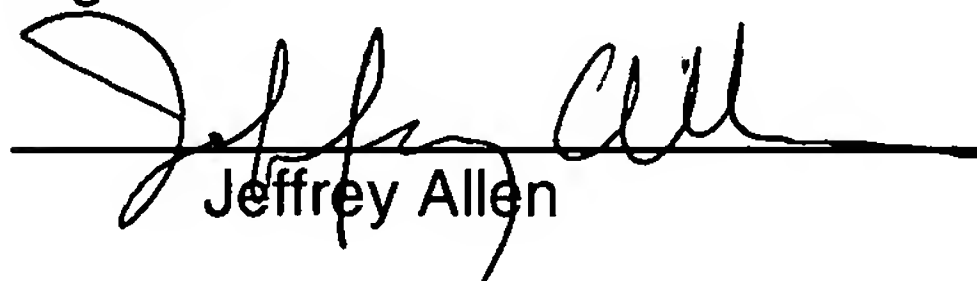
October 31, 2007

To: Jarett K. Abramson
Biotechnology Patent Attorney
308/1B-113

Re: Inventive Entity for Case 62,644

After reviewing the specification and the claims of the above-identified patent application, I, Jeffrey Allen, state that I contributed to the conception of at least one claim of the application. My name was omitted through no deceptive intent on my part.

Signed:


Jeffrey Allen


Date



The Dow Chemical Company
9330 Zionsville Road
Indianapolis, IN 46268
U.S.A

May 23, 2006

To: Jarett K. Abramson
Biotechnology Patent Attorney
308/1B-113

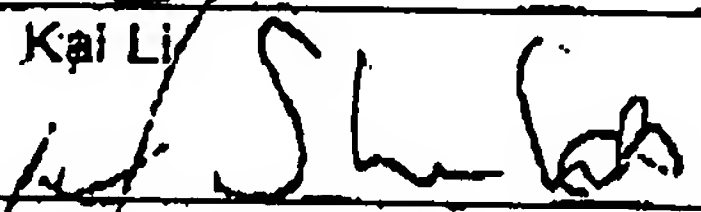
Re: Inventive Entity for Case 62,644

After reviewing the specification, and the claims, of the above-identified patent application, I, one of the submitters of invention disclosure 62,644, state that the following individual(s) contributed to the conception of at least one claim of the application: Jeffrey R. Allen.

Signed:


Kai Li

5/30/2006
Date


Jeffry E. Shields

8/9/06
Date


Timothy C. Frank

8/9/06
Date


Felipe A. Donate

8/9/06
Date

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made this 18th day of August, 2006, by Timothy C. Frank; Felipe A. Donate; Jefry E. Shields; Kai Li; and Jeffrey R. Allen (hereinafter referred to as Assignors), residing at 5001 Foxpoint Circle, Midland, Michigan 48642; 4608 Lund Drive, Midland, Michigan 48642; 1066 Fulton Road, San Marcos, California 92069; 4075 Sourwood Lane, Lafayette Hill, Pennsylvania 19444; and 14702 Fairtree Terrace, Poway, California 92064, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in **METHOD FOR THE EXTRACTION OF INTRACELLULAR PROTEINS FROM A FERMENTATION BROTH**, set forth in a Patent application for which an International Application was filed on February 18, 2005, PCT/US05/005309, designating the United States.

WHEREAS, Dow Global Technologies Inc., a Corporation organized under and pursuant to the laws of Delaware having its principal place of business at Washington Street, 1790 Building, Midland, Michigan 48674 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, for good and valuable consideration and/or the remuneration received for my/our work and/or other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

THE DOW CHEMICAL CO.

All practitioners at Customer Number 057272

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Date: 12-6-2006 Signature: Timothy C. Frank
Timothy C. Frank

Date: 12-6-2006 Signature: Felipe A. Donate
Felipe A. Donate

Date: _____ Signature: _____
Jefry E. Shields

Date: _____ Signature: _____
Kai Li

Date: _____ Signature: _____
Jeffrey R. Allen

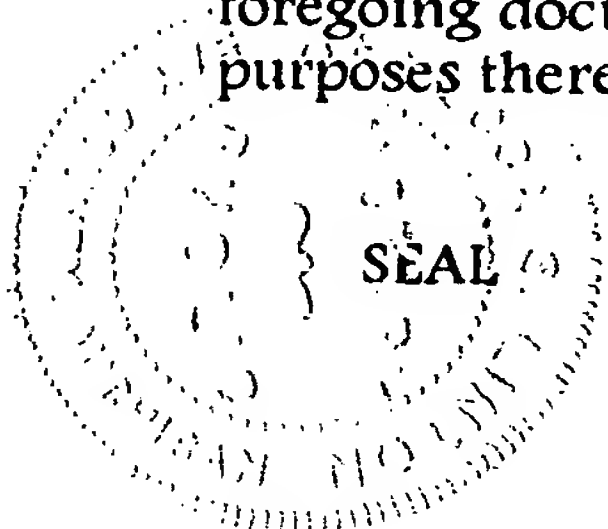
NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this 6th day of December, 2006, personally appeared
before me,

Timothy C. Frank

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.



Rebecca S. Linton
NOTARY PUBLIC, BAY COUNTY, MICHIGAN
ACTING IN MIDLAND COUNTY, MICHIGAN
MY COMMISSION EXPIRES NOVEMBER 15, 2007
Rebecca S. Linton Notary Public
State of Michigan, Bay County, Acting
My Commission Expires Nov. 15, 2007 in Midland
County.

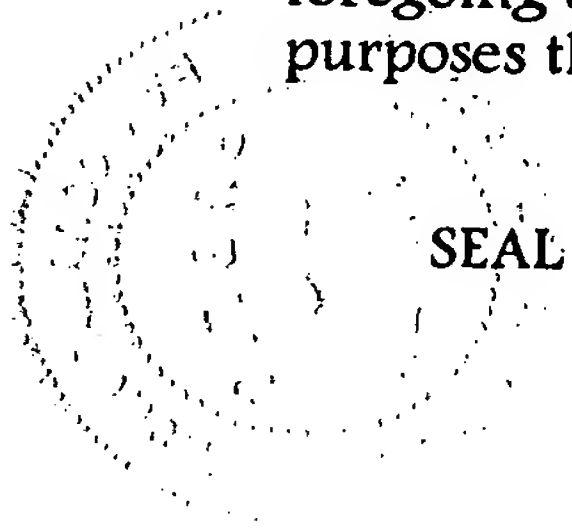
NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this 10th day of December, 2006, personally appeared
before me,

Felipe A. Donate

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.



KIMBERLY S. BIRCH
NOTARY PUBLIC, STATE OF MI
COUNTY OF BAY
MY COMMISSION EXPIRES Mar 16, 2013
ACTING IN COUNTY OF MIDLAND

Kimberly S Birch
KIMBERLY S BIRCH Notary Public
State of MICHIGAN, BAY County
My Commission Expires MAR 16, 2013
ACTING IN MIDLAND COUNTY

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Jefry E. Shields

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

FORM 222

Docket Ref. 62,644

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Kai Li

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Jeffrey Allen

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made this 18th day of August, 2006, by Timothy C. Frank; Felipe A. Donate; Jefry E. Shields; Kai Li; and Jeffrey R. Allen (hereinafter referred to as Assignors), residing at 5001 Foxpoint Circle, Midland, Michigan 48642; 4608 Lund Drive, Midland, Michigan 48642; 1066 Fulton Road, San Marcos, California 92069; 4075 Sourwood Lane, Lafayette Hill, Pennsylvania 19444; and 14702 Fairtree Terrace, Poway, California 92064, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in **METHOD FOR THE EXTRACTION OF INTRACELLULAR PROTEINS FROM A FERMENTATION BROTH**, set forth in a Patent application for which an International Application was filed on February 18, 2005, PCT/US05/005309, designating the United States.

WHEREAS, Dow Global Technologies Inc., a Corporation organized under and pursuant to the laws of Delaware having its principal place of business at Washington Street, 1790 Building, Midland, Michigan 48674 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, for good and valuable consideration and/or the remuneration received for my/our work and/or other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

THE DOW CHEMICAL CO.

All practitioners at Customer Number 057272

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Date: _____

Signature: _____

Timothy C. Frank

Date: _____

Signature: _____

Felipe A. Donate

Date: _____

Signature: _____

Jefry E. Shields

Date: 12/15/06

Signature: _____



Kai Li

Date: _____

Signature: _____

Jeffrey R. Allen

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
 STATE OF) SS
 County/Parish of)

On this _____ day of _____, 20____, personally appeared
 before me,

Timothy C. Frank

known or identified to me to be the individual described in and who executed the
 foregoing document and acknowledged the same as a free act and deed for uses and
 purposes therein expressed.

SEAL

 _____ Notary Public
 State of _____, _____ County
 My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
 STATE OF) SS
 County/Parish of)

On this _____ day of _____, 20____, personally appeared
 before me,

Felipe A. Donate

known or identified to me to be the individual described in and who executed the
 foregoing document and acknowledged the same as a free act and deed for uses and
 purposes therein expressed.

SEAL

 _____ Notary Public
 State of _____, _____ County
 My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
 STATE OF) SS
 County/Parish of)

On this _____ day of _____, 20____, personally appeared
 before me,

Jefry E. Shields

known or identified to me to be the individual described in and who executed the
 foregoing document and acknowledged the same as a free act and deed for uses and
 purposes therein expressed.

SEAL

 _____ Notary Public
 State of _____, _____ County
 My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

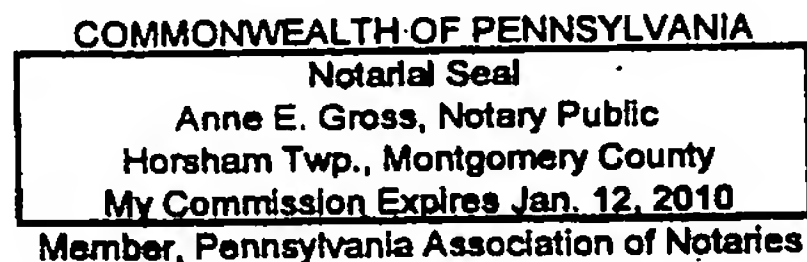
UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this 4th day of JANUARY, 2007, personally appeared
before me,

Kai Li

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL



Anne E. Gross
Notary Public
State of PA, Montgomery County
My Commission Expires 01/12/10

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Jeffrey Allen

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made this 18th day of August, 2006, by Timothy C. Frank; Felipe A. Donate; Jefry E. Shields; Kai Li; and Jeffrey R. Allen (hereinafter referred to as Assignors), residing at 5001 Foxpoint Circle, Midland, Michigan 48642; 4608 Lund Drive, Midland, Michigan 48642; 1066 Fulton Road, San Marcos, California 92069; 4075 Sourwood Lane, Lafayette Hill, Pennsylvania 19444; and 14702 Fairtree Terrace, Poway, California 92064, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in **METHOD FOR THE EXTRACTION OF INTRACELLULAR PROTEINS FROM A FERMENTATION BROTH**, set forth in a Patent application for which an International Application was filed on February 18, 2005, PCT/US05/005309, designating the United States.

WHEREAS, Dow Global Technologies Inc., a Corporation organized under and pursuant to the laws of Delaware having its principal place of business at Washington Street, 1790 Building, Midland, Michigan 48674 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, for good and valuable consideration and/or the remuneration received for my/our work and/or other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

THE DOW CHEMICAL CO.

All practitioners at Customer Number 057272

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Date: _____

Signature: _____

Timothy C. Frank

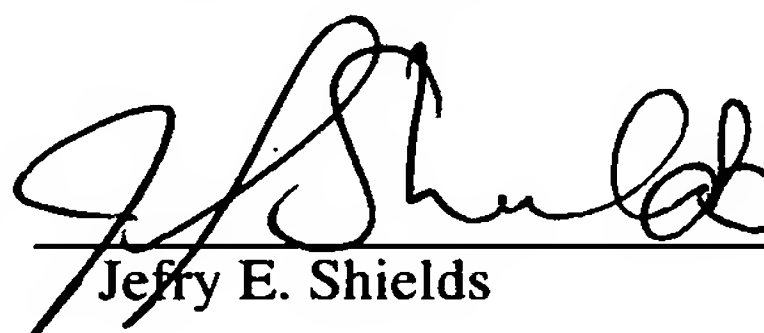
Date: _____

Signature: _____

Felipe A. Donate

Date: 2/13/07

Signature: _____


Jeffrey E. Shields

Date: _____

Signature: _____

Kai Li

Date: 2/13/2007

Signature: _____


Jeffrey R. Allen

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Timothy C. Frank

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Felipe A. Donate

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

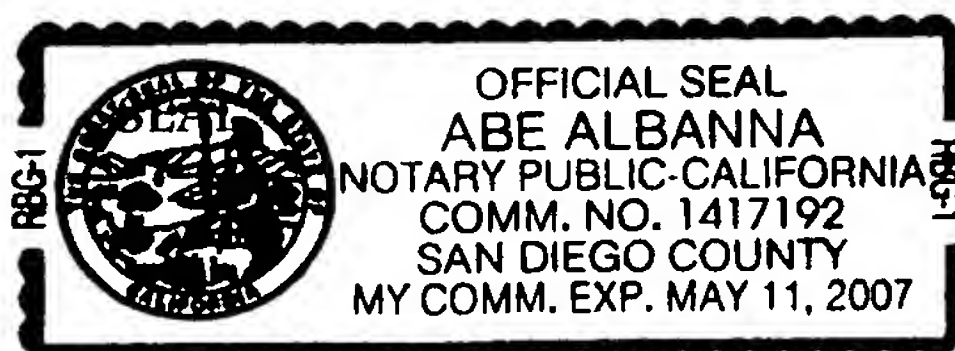
NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF San Diego California) SS
County/Parish of San Diego) calif

On this 13 day of 02, 2007, personally appeared
before me,

Jefry E. Shields

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.



abe albanna.
Abe Albanna Notary Public
State of California San Diego County

This Assignment 222 is in the ENGLISH language and has the same meaning in other languages with the same 222 number and R/Date.

[illegible]

This Assignment 222 is in the ENGLISH language and has the same meaning in other languages with the same 222 number and R/Date

Docket Ref. 62,644

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Kai Li

known or identified to me to be the individual described in and who executed the foregoing document and acknowledged the same as a free act and deed for uses and purposes therein expressed.

SEAL

_____, Notary Public
State of _____, _____ County
My Commission Expires _____

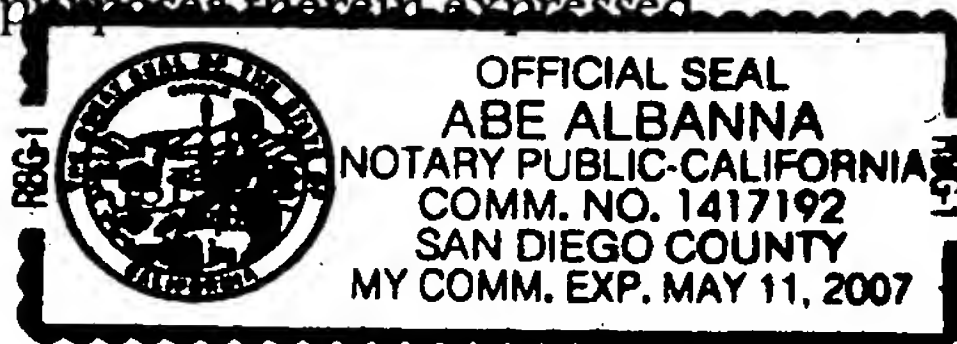
NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF California) SS
County/Parish of San Diego)

On this 13 day of 02, 2007, personally appeared

Jeffrey Allen

known or identified to me to be the individual described in and who executed the foregoing document and acknowledged the same as a free act and deed for uses and purposes therein expressed.



Abe Albanna
Abe Albanna Notary Public
State of California San Diego County
My Commission Expires May 11, 2007

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

known or identified to me to be the individual described in and who executed the foregoing document and acknowledged the same as a free act and deed for uses and purposes therein expressed.

SEAL

Notary Public

State of _____, _____ County
My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Timothy C. Frank

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Felipe A. Donate

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

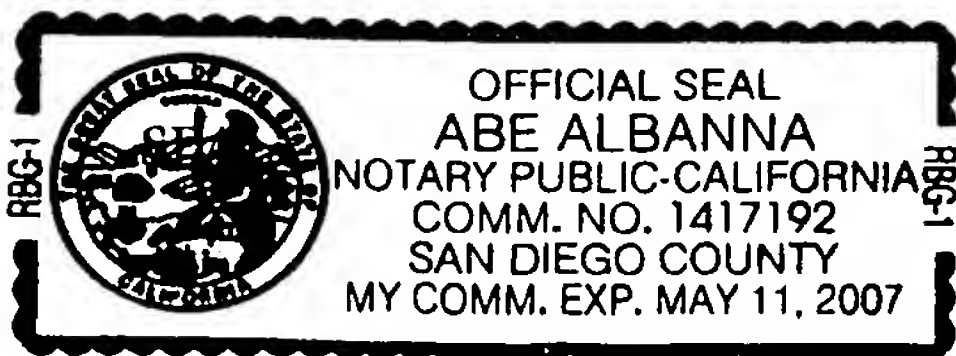
NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF California) SS
County/Parish of San Diego)

On this 20 day of December, 2006, personally appeared
before me,

Jefry E. Shields

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.



abe albanna
Notary Public
State of California, San Diego County
My Commission Expires May 11, 2007

FORM 222

Docket Ref. 62,644

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

On this _____ day of _____, 20____, personally appeared
before me,

Kai Li

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

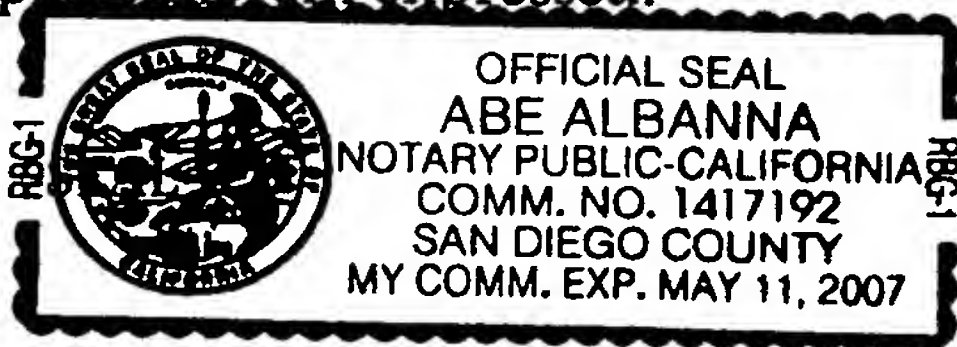
NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF California) SS
County/Parish of San Diego)

On this 20 day of December, 2006, personally appeared
before me,

Jeffrey Allen

known or identified to me to be the individual described in and who executed the
foregoing document and acknowledged the same as a free act and deed for uses and
purposes therein expressed.



Abe Albanna
Notary Public
State of California San Diego County
My Commission Expires May 11, 2007

NOTARIAL CERTIFICATE (INDIVIDUAL)

UNITED STATES OF AMERICA)
STATE OF) SS
County/Parish of)

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purposes therein expressed.

SEAL

Notary Public
State of _____, _____ County
My Commission Expires _____

Response to Notification of Defective Response
Part Two of Notification
Petition for Extension of Time
Fee Transmittal
Statement under 37 CFR 3.73 (b)
Statement of Inventive Entity:
 Statement of Added Inventor, Jeffrey Allen
 Statement of Current Inventors
Return Postcard